

Term Limits in Review: Research and a Look Ahead

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Eric Little

The Ohio State University  
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Project Advisor: Dr. Herbert Asher, Department of Political Science

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Eric Little  
The Ohio State University  
Department of Political Science

### Abstract

This work starts with a discussion on the history of the term limits movement. I go on to analyze the problems with term limit research. Next, I examine some of the research conducted on assessing the effects of term limits. I proceed to offer a few suggestions for future research. I argue that many of the promises of term limits have not met their initial expectations. Specifically, I dispute the idea that term limits have ushered in a new type of legislator. This analysis will be performed by comparing the Ohio General Assembly members from 1991-1992 to their 2001-2002 counterparts.

### Introduction and Overview:

Limiting the service of state legislators through institutionalized term limits has been a hotly contested issue over the last decade. Such initiatives were accompanied by arguments claiming term limits would increase minority representation, increase electoral competition, and change the very nature of state legislatures. Similarly, term limits supporters promised the demise of the career politician. Contrastingly, those denouncing term limits saw them as removing effective and experienced operators, eliminating institutional memory, and even violating the U.S. Constitution. By looking at the research conducted on the term limit issue, one realizes the complexities and widely varying assessments of this topic. This thesis will discuss how term limits have impacted legislatures, how such governmental effects have been measured, provide some suggestions for future research within the field, and assess the ability of term limits to institutionally mandate the end of careerism among political figures.

The remainder of this work will analyze the term limit debate in several ways. First, I will examine the history of the term limit debate. Secondly, I will analyze some of the chief problems in studying the term limits issue. Next, I will summarize and analyze several of the key term limit studies that have thus far been conducted. I will then make several suggestions for future research. Subsequently, I will provide a limited analysis of how term limits have or have not ushered in a new breed of citizen legislators, an idea that was promised by such term limit advocates. Finally, I will summarize my conclusions and provide a final analysis on the term limit issue.

## Origins of the Term Limit Movement

Before we can look at term limit research we must identify where this contentious issue originated and what groups have brought term limits to the forefront of American politics. First of all, it should be noted that term limits are not necessarily a new idea. Even the first Pennsylvania Constitution of 1776 had term limits for legislators (Fund, 1). In 1947, the 22<sup>nd</sup> U.S. Constitutional Amendment provided that the American president could only serve two consecutive terms, providing another term limit limiting executive power (1). It was not until 1990 that such limits were put on the state ballot. This first term limit salvo was levied when California, Oklahoma, and Colorado citizens supported ballot initiatives during the 1990 election (Bowser, 1). Since this initial vote, eighteen other states have voted for term limits inception either by citizen initiative or via legislative vote for a total of twenty-one states that have adopted term limits (Bowser, 1). With four state supreme courts ruling such limits as unconstitutional as well as two state legislatures repealing these limits, currently fifteen states operate under state legislative term limits (Bowser, 1). Term limits have been supported by groups including U.S. Term Limits, Citizens for Term Limits, Citizen Congress, and Americans for Limited Terms. These groups represent the conservative right wing of the political spectrum. Initially, the goals of such groups were to see such limitations placed on the U.S. Congress as these heavily Republican groups attempted to loosen the Democratic party's stronghold over congressional power.

The state of Washington was one of the first term limit battlegrounds and is a representative example of the term limits movement. In 1992 Washington voters supported a proposal known as Initiative 573 (Balz, 1). This legislation would have

mandated term limits on Washington congressmen (1). However, the U.S. District Court found the initiative unconstitutional as it further provided for qualifications required of congressional candidates beyond those directly provided in the U.S. Constitution (1). Democratic House Speaker Tom Foley was defeated as his opponent, George Nethercutt, used the term limit issue against Foley (Tom, 1). Foley was a primary actor in advocating for the District Court decision (1). Ironically, Nethercutt promised to serve no more than three terms, but he served five terms until 2005 (1). In a similar case, *U.S. Term Limits v. Thornton*, 514 U.S. 779 (1995), the U.S. Supreme Court ruled that an Arkansas congressional term limit was unconstitutional. This case set the precedent that congressional term limits would require a national constitutional amendment to be enacted, and such efforts have failed to pass with the required two-thirds vote.

The term limit supporting groups have a wide variety of motivations. One aspect of motivation for term limit advocates has been partisan politics. Such Republican leaning forces have attempted to use term limits to remove long-entrenched Democratic office holders. Their political ideology dictates that long serving representatives are the cause for larger, higher-taxing government that they believe would be alleviated by the use of term limits. Such ideology has not been ignored, especially by republican congressmen. The 1994 “Contract with America” included language making congressional term limits a goal of the party, and despite failed attempts to bring such limits to the congressional level, numerous congressmen have taken the pledge to leave the congress after a short duration (Heavey, 1). The term limit issue was one of the key pillars for the Republican revolution, and the debate should not be underestimated in the role it played in ushering in the current republican held congress.

A statement taken from the Citizens for Term Limits website includes the following:

We face the third millennium with a bankrupt country and an evaporating dollar—the result of years of profligate congressional spending—the buying of our votes with our children’s money. We cannot survive with the gang of self-seeking big spenders we have in office now. The congress we have is dysfunctional....It is time to remind these members of Congress that we put them there to serve our country, not themselves, (Citizens, 1).

While term limit backers have been unsuccessful in pursuing congressional term limits, these words well represent the term limit advocacy community. These groups tout the high level of support for term limits shown in numerous public opinion surveys, claiming that these polls demand that states be subjected to term limits. Their claimed goal is to rid these institutions of career politicians in favor of citizen legislators. Such groups preach that current legislators are out of touch with their constituency and that these politicians fail to serve the people they represent, opting to think only of themselves unlike the original Founding Fathers whom these groups revere as having been much more in touch with their constituents (U.S. Term, 1). Citizens contribute to their websites and newsletters, make political contributions to limit-supporting candidates, organize an astute lobbying effort. Thus, term limit proponents are a well-organized and effective voice.

In recent years, the term limit movement has run into several roadblocks. The legislation has been repealed in two state legislatures and been found unconstitutional in another four (Bowser, 1). As previously mentioned, the movement to bring term limits to Congress proved unsuccessful. With the Republican revolution sweeping in republican congressional majorities, much of the motivation for such advocacy has dissipated. As one republican aide was quoted as saying, “a lot of the motivation to stick to them

disappeared,” (Stone, 1). In light of the failure to bring limits to congress, the term limit community attempted to convince candidates to commit to limited terms of service, with mixed success. Several congressmen have kept such pledges, others have moved on to the senate, and still others have reneged and campaigned to hold their seats beyond their initial pledge (1). In addition to varied congressional results, term limits have not expanded since Nevada’s voting for term limits in 1998 (Bowser, 1). With every state passing their term limits via the ballot initiative, such action has been limited in success to states allowing this process.

I should mention the anti-term limits community as well. A key factor in the term limits debate is the lack of an organized compilation of anti-term limits groups to make for a two-sided argument. While there are those who do not support and even advocate against term limits, such people are not nearly as well organized or politically powerful compared to the pro-limits lobby. The pro-term limits lobby vastly exceeds the capability of those who disagree with such limits.

This portion of the thesis has attempted to show the key actors and history of the term limits movement. Measurement and analysis of the consequences of term limits have proven more problematic than the actual adoption of these policies. I will next attempt to show several of the difficulties that the political science community has faced in measuring the effectiveness and repercussions of such limits.

### Problems with Term Limit Study

While term limits are such a controversial issue, the measurement of the effects of this policy has proven to be difficult. Truly defining exactly what constitutes a term limit is

not as simple as it sounds. Another challenge is gaining access to those legislators who can comment on the term limit issue. Additionally, term limits have come into effect slowly over a wide time period. This has required the assembly of the comprehensive data to take place over a long and ongoing timeframe. This section of the thesis will analyze these difficult areas in a more detailed manner.

### Definition of Term Limits

One of the great difficulties in comparing these fifteen states is the fact that the phrase “term limit” has a different definition depending on the state in question. For instance, Ohio legislators are limited to four two year terms in the House of Representatives and two four year terms in the senate (Bowser, 1). Nowhere in the Ohio law does it say that such legislators are banned from returning to the house after their senate terms, and legislators have begun to use this tactic to avoid forced retirement from the Ohio General Assembly. Other states such as California and Michigan have such lifetime limitations to overall legislative service (Bowser, 1). Thus, to simply use the phrase “term limit” and believe that this policy occurs similarly in each state proves problematic. With such definitional inconsistency, term limits have different effects on states which are dictated by how these institutions have been established. Such individualized term limit institutions have made cross-state analysis and comparison difficult.

Comparatively problematic to the differences between term-limit definitions are the widely varying nuances between the individual state governments. Thus, to simply compare term limited and non-term limited states proves challenging. Lurking variables like legislative composition, level of professionalism, and different strengths of



legislatures acted differently prior to term limits, and they continue to do so. A lurking variable is defined by SCORE Mathematics as, “variable that has an important effect on the relationship among the variables in a study but is not included among the variables studied (Payne, 1). Comparing professionalized, full-time legislatures and non-professionalized, part-time assemblies without accounting for these factors will not give a full scope of the term limit situation. This has required political scientists to account for these critical factors. With so many variables interacting together, it proves difficult to isolate independent variables that indicate term limits’ effects on legislative performance.

#### Time Frame

Still another problem with the study of term limits is the fact that data has been collected over an extremely short time frame. Initial conclusions have thus been made off of an extremely limited data set. With only a few classes of term limited legislators leaving, these initial spikes in forced retirements and movements have skewed the data. This has prevented these classes from showing how term limits will impact legislatures over time. In this context, this small sample cannot effectively be used to extrapolate for answering important policy questions. Such vital questions like whether term limitation is good public policy will remain unanswered prior to substantial and conclusive studies being carried out; such studies will only take place when a more expansive data set is available, and this will require more time to pass.

#### Access

One final problem I found worthy of mention is the very nature of state legislators. These individuals have extremely busy schedules, often balancing their legislative agendas with other work and family commitments. With such demanding schedules, it is

often difficult for those attempting to measure term limit effects to gain access to such legislators. Low levels of survey response and difficulty gaining interview appointments are among the difficulties facing those interested in appraising term limits.

These are some of the obvious difficulties that have plagued the study of term limits. These barriers have not prevented successful and scholarly study of this set of issues however. In the next section of this thesis, I will assess and compare some of the scholarship on this subject.

### Analysis of Term Limit Research

The term limits era has been investigated in numerous ways. Some researchers have dissected individual states, and comparative analyses of multiple states have also been explored. Some political scientists have even attempted to study all of the states in a single study. Each of these types of inquiry has been valuable in its own way. Within this section of my thesis I will attempt to critique some of the research into term limits and how such limits have or have not changed the legislature. I have attempted to select a wide variety of research types, and it is my goal to point out some of the strengths and weaknesses within the term limit researching community.

### National Conference of State Legislators 2003

The first piece of research was initiated by the National Conference of State Legislatures, a group that has sponsored several ongoing studies to study how term limits have impacted state legislators. This non-partisan group hired a team of political scientists to perform a variety of tasks to help state legislatures effectively adjust to term

limit impacts. One survey this group performed was an online term limits poll conducted in 2003 in which emails were sent to legislators and staffers (NCSL, 1).

This survey suffered from a variety of problems. My initial reaction to this survey was that it suffered from response errors. Because this survey being conducted online, it obviously required respondents to take the time to fill out the questionnaire. Unless those sampled were passionate about term limits and their positive or negative effects, they would most likely ignore the survey and not respond. With it likely that only deeply passionate respondents returned the survey, issues of nonrandom measurement error are likely. Also, with only one hundred thirty four respondents, it is difficult to imagine that such a small sample could be used for generalizing (2). In addition, of the one hundred thirty four surveyed only seven were actually legislators (2). While the opinions of staff members, lobbyists, and others who interact with the legislature should be interviewed as part of the survey, this small number of legislator responses causes one to question the validity of this survey if legislative response to term limits is to be measured. The results strongly convey that those who work closest with legislators feel that term limits have negatively impacted state legislatures. With eighty seven of the one hundred thirty four surveyed being legislative staff members, these term limits negatively impact their jobs, forcing them to either help get their legislators to the next office or change jobs (2). Legislative staff members who face this type of dilemma are most likely going to paint term limits in a negative way regardless of how term limits impact other parts of their job. Asking such aides to objectively evaluate these laws causes one to expect nonrandom error to heavily impact their responses of this survey with a generally more negative outlook regarding term limit policies. Additionally, legislative staff members

were not defined, which meant personal, professional, and committee staffers were not differentiated from each other; this represented another problem with the survey.

Another key problem with the NCSL study involved question wording. For instance, the survey questions should have varied significantly in response from state to state on some of the questions. One question asked whether power had shifted between the houses of the legislature (2). This question related to the prior mentioned problem of differences between the states where term limited have been supported. While this question seems valid, it will generate different responses based on the different letter of the laws from state to state. A state with a lifetime ban on legislative return versus a consecutive ban is an example of non-term limit factors generating a different response than a state with dissimilar laws. These questions resulted in varied responses depending on the state being described. Such questions are valid when used to describe one state, but lack validity when used to assess the national impact of term limits across state legislatures. This problem occurred on more than one question. This type of question also does not allow for a specific answer that will isolate term limits and the state budget as related issues, allowing other factors to contribute to the respondent's choice of answer. Thus, question wording proved a pivotal error in this survey.

A final problem was the choice to perform this study with primarily fixed choice responses, preventing much description of the simple yes or no questions asked. While this is an effective way to get answers it does not warrant particularly descriptive responses, despite the complexity of the issue in question. When answering questions like the one related to the state budget reform, varying budget process reforms in different states would not be described under this type of analysis. The trade off of this

decision is that had more involved question responses been requested, the internet format would most likely required replacement. Expensive personal or phone interviews by professional interviewers would have been required to garner such detailed information.

Still, this study proved effective in a variety of ways. Its responses did indicate a high level of disapproval for term limits with eighty-three percent disapproval indicated (2).

These responses represent a large enough majority that a strong conclusion can be formed regarding how those associated with state legislatures view the impact of term limits (2).

The questions were written in a relatively neutral manner, allowing respondents to decide for themselves without biased questions. Key statistics included a quarter of respondents saying their opinion of term limits had changed since their implementation, and nearly three quarters of respondents indicating they viewed their state legislatures as functioning less efficiently than before term limits (3). These significant statistics indicate that term limits, according to this study have had negative consequences on state legislatures in a study conducted by a neutral nonpartisan organization.

Several factors could have made this study more effective. First, as already mentioned, moving beyond dichotomous data collection would make for more detailed information. Posing questions complimented by a control group made up of non-term limited states would have increased the effectiveness of this study. For instance, the question that asked about whether state budget processes have changed would have been even more significant in finding had term limited states shown different results than non-term limited legislatures. The greatest way to improve this study, however, would be to increase its size with a renewed focus on getting data results generated by the legislators themselves as their perceptions are the most crucial to legislative performance. These

changes would decrease sampling and measurement error and would offer more data from which more reliable results could be generated.

#### Wayne State Term Limit Research Project

Another survey that I looked at involved a set of face-to-face interviews conducted in Michigan and California by a group of political science professors at Wayne State University (Thompson, 1). Their data was gathered beginning in 1998 prior to term limits removing the first class of legislators in these states (2). The information they analyzed included records of the first two term limited groups of legislators being expelled from these legislatures (2). The goals of their research were at the heart of the term limit debate: these political scientists aimed to analyze whether term limits did indeed fulfill the claims that their advocates had trumpeted prior to their realization (3). The researchers' interviews were conducted with ninety-five of the one hundred ten members of the Michigan House of Representatives as an indicator of how thorough a percentage of legislative members were interviewed. Their election data covered the years from 1990 forward to the 2002 election (2). These scientists assessed this data to report whether intended or unanticipated consequences resulted from term limits in these states. Their analysis included a vast array of areas including turnover margins, electoral competition, level of citizen legislature participation in the legislature, diversity, responsiveness to constituents, bipartisan coalition building, independence from special interests, and a variety of other issues. Obviously, this study attempted to cover a broad range of issues, and in doing so represents an extremely lengthy set of data.

Like all studies, this study suffered from its own unique problems. First, and the most obvious problem related to how each area's data was analyzed. Grading criteria were

supposed to be implemented in the following way: “A” grades were to indicate term limits meeting their promised effect, “C” grades for mixed achievement, and “F” grades for achieving the opposite effect as anticipated (3). This system allowed grades to be assigned with the final grade being based on the basis of the scientists’ subjectivity. The majority of this research is difficult to find fault with, but this grading system represents a weak aspect of this study.

Their decision to make a wide comparative analysis of Michigan and California left several questions unanswered. On a pivotal question like the level of electoral competition brought on by term limits, the two states did not agree as to whether term limits brought more competitive races as Michigan showed no effects and California showed less competitive races (7). This represents a vital question for further inquiry with data from more states being needed to fully assess this important and hotly questioned issue (7). While their data did show that incumbency was an increasingly advantageous situation because of term limits and competitiveness overall was decreased, the margin was small enough that further research would be necessary to make that overall conclusion. To further investigate this question, more states would need to be integrated into the study. To make conclusions on a wide national scale, one would need to further compare this data to other states. Diversity within the chambers was also plagued by differing responses between Michigan and California, not necessarily supporting the widely held claim by term limits advocates that term limits would increase legislative diversity (9). This data demands more research before this question can be decided one way or the other.

As previously mentioned, another difficulty was the continued problem of studying the new policy and the inability to make vast conclusions with the time bounded data available. For instance, this study attempted to show that citizen legislators who returned to the private sector after their legislative service was an inaccurate claim by the term limits advocates. The data did support that this claim was inaccurate based on how the study defined “citizen legislator”, but the definition made a great deal of difference. Any legislator who had come from another political office or was running for another office as a term limited legislator was considered to break the citizen legislator guarantee that the researchers claimed had been a promise of term limitations. Under this method of analysis, a candidate with city council or county commissioner experience running for the state legislature would be considered a career politician. Also, a term limited state assemblyman or representative would be considered in the same status if he or she ran for state senate or the U.S. Congress. These represent the most likely and common political career tracks to and from the state legislatures nationwide (Francis, 50). Whether one defines “career politician” as any politician who seeks to move to a higher office makes a great difference as to how this argument is framed. This assessment is based on how citizen legislators and career politicians are defined; these terms are central to the overall argument.

This set of data did have some extremely valuable results. One conclusion reached from their analysis was that special interests and lobbyists have actually seen their realm of influence increase substantially with term limits (16). This represents an “F” rating as this counters an argument that term limit campaigners advanced stating that term limits would slow special interests. Such advocates believed legislators would not get close



enough to lobbyists in their short terms of service to allow for these interests to gain strength. According to this study, indeed the opposite has occurred. Also, term limit supporters endorsed term limits as an effective means to curtail campaign-spending increases that had continued to swell rapidly prior to term limits. Political action committees actually donated substantially more dollars to campaigning legislators after term limits than had been the case prior exceeding inflation, and defying the predictions of term limit supporters (19). It was the belief of term limits advocates that limits would decrease campaign expenditures as those seeking limited-termed offices would see such positions in a less permanent manner, making such seats less desirable. Another valid and important statistic that they found showed that party caucuses have become the dominant source of campaign contributions as legislators themselves do not have the fundraising experience of their pre-term limit predecessors; this has helped to strengthen caucus leadership and provide a further mechanism for special interest dollars to have increasingly become involved in the campaign process (22). To further mention the increased power of legislative leaders, members interviewed indicated that these experienced members became deeply involved in how committees operation (24). This is another area that would need to be investigated across more state lines. A few strong personalities could heavily impact this small study which could potentially make for unreliable data when compared to term limited states nationally. This list of valuable results indicates how well this group of scientists arranged their measurement tools.

With final conclusions indicating that term limits have not lived up to the promises that they made, this study offers another negative portrayal of these policies. According to this research, under term limits, elections have been less competitive, citizen

legislators have become less common, and special interests have had strikingly more significant roles as part of policy development (30). While this study has several problems in terms of how the data has been processed and analyzed, the overall data was soundly collected. The large number of interviews conducted was a particularly strong trait of this study. While more research would be needed to wholly disprove term limit advocates' arguments, this study represented successful research in terms of a two state comparison. Other states would need to be incorporated before these arguments could be proven reliable over the entire term limit data set. Still, this study represents a valuable comparison in answering whether term limits have indeed met their expectations.

#### Carey and Moncrief Fifty State Survey

Dr. John Carey of Dartmouth College and Dr. Gary Moncrief of Boise State University have been among the leading scholars in term limit policy study, and their 2003 survey should be considered expert research (Carey, 1). To start with, their survey was conducted in all fifty states making for much greater representativeness in their findings compared to statewide or samples of a couple of states like the Thompson research. This research offers the most up to date data available, and it also incorporates a greater time frame from which more legislatures have had legislators forced out in large numbers. This survey was a follow up to a 1995 study, offering these researchers a strong comparative element to their work. While the survey would be made up of different legislators, these two surveys in tandem make for a before and after look at how removal of term limited legislators has changed the makeup of these bodies. Their study was another part of the National Conference of State Legislatures Joint Project on Term Limits (2). In terms of demographic characteristics surveyed, this study went much more

in detail gathering data involving religious, ideological, financial, and academic backgrounds (3). Despite the numerous factors surveyed, their survey found no evidence of substantial demographic transition in term limited states, and their research had effectively constructed control groups made up of non-term limited legislatures to compare their data (3). Their surveys were mailed to each and every state legislator nationally, and they experienced a forty percent response rate, enough for a much higher level of precise measurement than the much smaller measurement from the NCSL survey discussed above (4).

If one can find fault with their study, one recommendation for further inquiry would be to add legislative staffs, lobbyists, and other legislative players about their term limit experiences in the same rigorous manner that legislative members were sampled. With the high response rate, these researchers were able to categorize and control for such factors as those in term limited legislatures and those not in term limited bodies, generational factors between legislators, and the difference in laws between states (6). Their findings overall showed little demographic change, but those elected to legislative office appear to be acting in different manners than their non-term limited predecessors (11). One startling finding showed that term limit coping legislators spend less of their time contacting and working in their districts than their unlimited counterparts (11). One drawback of this research was that only three states had their term limits repealed at the time which makes this group less precise and reliable than the other categories based on having fewer members polled. Still, these states were represented with more than one hundred forty legislators sampled, representing a more complete survey than any other I have analyzed. Institutionally, the study found a general strengthening of executive

branch power, but states with especially weak governors such as Jane Swift in Massachusetts and Bob Taft in Ohio were accounted for in their research preventing these states from skewing results (14).

Overall, this set of data makes for one of the most well assembled sets of research I have ever seen with various methods of analysis and control groups used to prevent spurious relationships from impacting their conclusions. Each of their areas of analysis was viewed with twenty different control variables to ensure that their data was soundly analyzed (23). The only improvements I can recommend would be to continue to gather more data as time allows it to become available. Their overall research design was impeccably well crafted with no obvious flaws. Their questions were validly stated, and were answered by enough legislators that reliability is difficult to question. Even in areas where they recognize their data to be the weakest, they have enough sample data to make satisfactory conclusions. With the painstaking efforts taken to assure well tabulated and analyzed data, I can find no fault with their methods.

#### University of Akron Study

I also reviewed research from the Ray C. Bliss Institute of Applied Politics at the University of Akron entitled, “Assessing Legislative Term Limits in Ohio,” (Farmer, 1). This multi-sectional study analyzed several different sets of data including samples of those who were involved with the Ohio General Assembly, all candidates for the 2002 election cycle including incumbents, as well as public opinion data (1). Their research was a combination of surveys and interviews, using both qualitative and quantitative methods to reach several conclusions. One aspect of their study that I found interesting was regarding the role of “citizen legislators” who were introduced through the

implementation of term limits. In the public opinion data citizens indicated the increase in citizen legislators as the second most important and satisfactory result of term limits coming to the Ohio General Assembly (3). Their hard data, however, indicated that, “Very few citizen legislators have been elected under term limits, with most new members having served as elected county or municipal officials,” (10). This forces one to question whether the responses in the public opinion survey were a measure of non-attitudes or ignorance, as the question assumed data to be true that indeed is not. Their effort did find out interestingly enough that support may exist for a change from an eight year term limit to one allowing for twelve years of service (6).

Among the strengths of this research are the large sizes of samples, including the attempt to compare the positions of the public, the legislators themselves, as well as the opinions of those who work with the legislature as observers. In this way, this study analyzed large and separately categorized data in a successful manner. The extreme difference between the responses of those who work most intimately in and with the state legislature as compared to the general public makes for many interesting conclusions. One of their results that warrants further study involves the change in opinion of term limits by legislative members and observers (9). The research indicates that 28% of candidates, 33% of legislators, and 42% of observers have changed their opinion of term limits since their implementation with changes almost always moving against term limits (9). As the research team rightly concludes, further investigation of this topic will be of a higher value once those who were initially term limited from the legislature have been totally removed. The initial years when term limits have not been applied to all members are more susceptible to skew with some new legislators and some from the pre-limit era.

Such legislators are a unique phenomenon as term limits impacted them after their initial election, and the possibility of spurious relationships and skewed data exists from their experiences. Still, the change in opinion of those most familiar with the legislature is an interesting and research worthy trend. Many of their conclusions mirror those of other legislatures, including the lack of change in the demographics of state legislators (10). In terms of power shifting within the legislature, their data collected from legislative observers indicates that lobbyists, party caucuses, and personal staff have gained power (13). They rightly indicate that the apparent gaining of legislative power, although evident, merits further research as the personalities of those legislators could weigh heavily on data. Their observation of the weakening of the governor's office is worthy of equally skeptical conclusion as Ohio's Governor Bob Taft has seen his popularity wane amid scandal and other problems. Other states have generally indicated a pattern of strengthening gubernatorial importance to the state government process, making the Ohio example an outlier in this way.

The University of Akron team did an excellent job of focusing their research on Ohio, and future research would benefit from their use of their data methods. The research demonstrates how several individual studies can be utilized including the use of both qualitative and quantitative data to yield valuable data. The researchers also managed to report their data effectively without obvious bias. They also succeeded in not attempting to make overwhelming conclusions based on such time bound data. Their attempt gave an effective status report for how a single state has been impacted and where Ohio is going based on legislative and public experience with these limits. Their work could

easily be used as a model for other researchers attempting to perform the same type of state based inquiry.

### Thad Kousser's Study

Another successfully designed research project was a term limit study implemented by Dr. Thad Kousser. He does an excellent job of first building a case that the state legislatures across the nation are similar enough for comparison (Kousser, 7). While this point can be viewed as a stumbling block for comparative results, Kousser effectively demonstrates how comparable each state is to each other state. He argues that term limits are a black and white issue significantly impacting or not changing states depending on their having limits or not. He came to the conclusion that term limits have the opposite effect that the legislative professionalization movement had over the decades preceding term limits (Kuersten, 1). In a book review, Dr. Ashlyn Kuersten summarized Kousser, Redesigning legislatures alters their policies but little else. Professional legislatures have larger staffs that allow for more knowledge of issues. As a result, professional legislatures tend to be more productive. In essence, professional legislatures have more time to perform tasks, and their increased salaries make up for the opportunity costs of not performing private sphere duties (Kuersten, 1).

These findings show how Kousser differentiated and came to the conclusion that professionalization and term limitation have directly opposing effects. His complex methodology and attention to detail make his book one of the leading term limit texts available. One fine set of information he gathered meriting more inquiry is an assembly of policies states have carried out to help their members deal with term limits (Kousser, 215). Studies researching how effective such procedures assist legislators in their acclimation to the legislative process would give states greater information on how best to prepare their members for the rigors of legislative work. Kousser touches on this

point, but he does not go into the detail necessary to help build new policy to achieve this end. His statement that states are attempting to teach legislators on the job shows how critical such programs are to the improvement of legislative effectiveness, particularly involving first term members. Overall, Kousser's description of term limits in an unbiased, highly mathematical exercise that successfully argues that term limits function to offset professionalization.

Each of these studies has had its own unique methods, and these have resulted in a variety of results. These types of research help form the backbone of term limit knowledge. While making sweeping conclusions is impossible, many of these studies indicate results that are contrary to the promises of the term limit movement. The preponderance of results show that term limits have not necessarily acted as those in the term limit supporting community initially indicated. The predictions of decreased campaign spending, demographic changes, and decreases in the role of special interest lobbies have not come to fruition. Still, conflicting data exists in areas such as minority representation between states. It is these types of conflicting areas that will be visited in the next area of this work.

In the next section of this thesis I will attempt to summarize a few of the areas I believe are worthy of future research. With so much data being gathered, there are still some other areas that merit greater research. To further term limit scholarship, the following effects could be revisited to deepen our knowledge base.

#### Suggestions for Future Research

Based on the literature read, I believe several specific future studies should be undertaken in the future of term limit research. Many of these areas involve revisiting



some of the questions from the previously analyzed research. Still others are questions relating their research to policy decision-making. This section of the thesis will focus on a few of the areas I believe are worthy of greater investigation.

Dr. Thad Kousser provides a limited section in his book related to the induction of new members to the state legislatures. Thus far, this examination is limited in scope, and I believe that Dr. Kousser's analysis of this material would be of great value not only to academia but also to the policy making community. Prior to term limits such legislators often served several years or more prior to taking on large duties. With term limits guaranteeing high numbers of new legislators each term, training and educating new legislators is of greater necessity now than previously. With limits, second term members are often asked to serve as committee chairs and are beginning to position themselves for leadership positions, a scene very much unlike the legislatures of years past. Such research could help states to familiarize their legislative members on a more successful basis.

Another potential avenue for future research involved the University of Akron study. A key conclusion of their work was that many legislators and staff members had changed their opinions regarding term limits after these policies were introduced. The Akron study showed that among legislators, observers, and candidates, significant changes in opinion regarding term limits were evident when interviews were conducted (Farmer, 9). This data would have even greater weight if based on entrance and exit interviews of legislators, staffers, and those intimately familiar with the legislature as opposed to simply observing the interviewees and their changed opinions. Of the research reviewed,

their work was among the most successful at using a large realm of tools to gather and analyze data, and the change in opinions of these individuals could be of great value.

To reemphasize an earlier point, all aspects of the term limit field must continue to be studied. To ascertain the impact of term limits, more data will be needed in each state before patterns and conclusions can be developed. Literature like the comprehensive Carey and Moncrief article as well as the Kousser book can only be built upon the hard data collected in the individual states. Among interesting future findings will be in depth comparisons of term limit versus non-term limit states. For these types of large-scale, multi-state research to be developed, more years of data will be needed. Another interesting set of future data will compare how legislatures change after the initial set of veteran members leave the legislature. The initial data gathered reflected a mixture of new legislators with older members who had served prior to term limits, and it is possible that this arrangement will restrain the true effects of term limits. Comparing these initial types of hybrid legislatures to those where term limits have been in place for a decade or longer will help prove whether these initial studies were accurate measures.

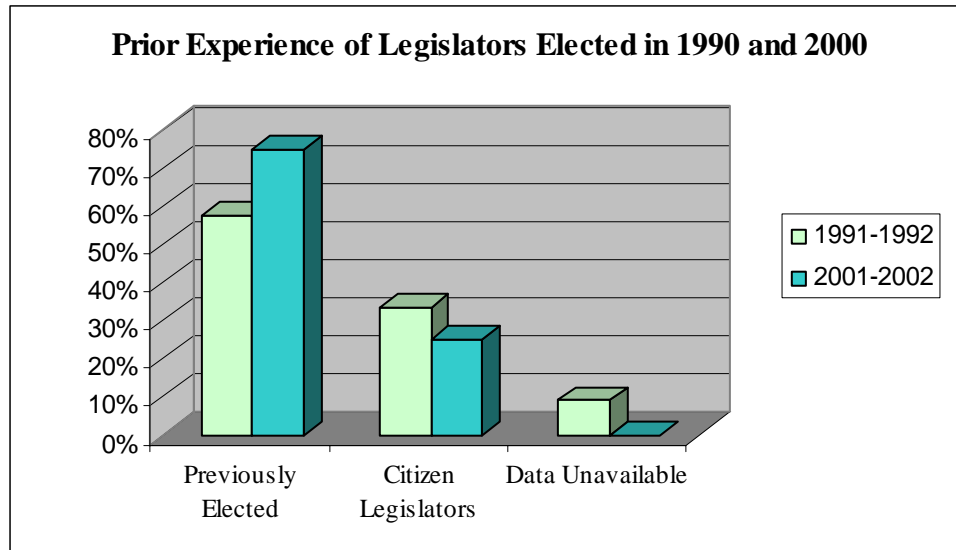
An area mentioned in several of the articles above involved the impact of term limits upon the very types of legislators who would be elected. The idea of term limit advocates was to bring citizens legislators to the capitols, removing career politicians. Although it is too early to make conclusions, many of the studies I read found that this attempt has not been successful. In the next section of the thesis, I will go into my own original research of whether term limits have indeed changed the complexion of careerism among Ohio General Assembly members.

Citizen Legislators v. Careerism: The Ohio Case

To investigate one segment of the term limit debate, I analyzed the role of citizen legislators and the role such individuals have played in this discussion. The first difficulty that existed when making this assessment involved defining what exactly a citizen legislator is. This was among the problems previously mentioned with the Wayne State survey. While term limits advocates have often pushed the idea of such citizen legislators, actually defining the term proved problematic. When listening to the rhetoric of the debate, one would expect that a citizen legislator would be an individual who left the private sector, served in an elected office, and then returned to the private sector or retired at the end of one's service. For my research purposes, a citizen legislator was defined as one who had never served in elected office or served as a member of a county political party leadership position. I went on to record where term limited leaders have matriculated to at the end of their respective terms of service. I compared the Ohio General Assemblies from the 1991-1992 and 2001-2002 sessions, including both a session from the pre-term limit era and the first class that involved newly introduced members based on the limits. First, let it be said that I recognize that no major conclusions can be ascertained from such a cross sectional comparison and analysis. My goal in such a comparison was not to make sweeping conclusions about term limits, but I hoped only to spur further discussion and research into whether such limits do in fact institutionally function as their advocates had hoped.

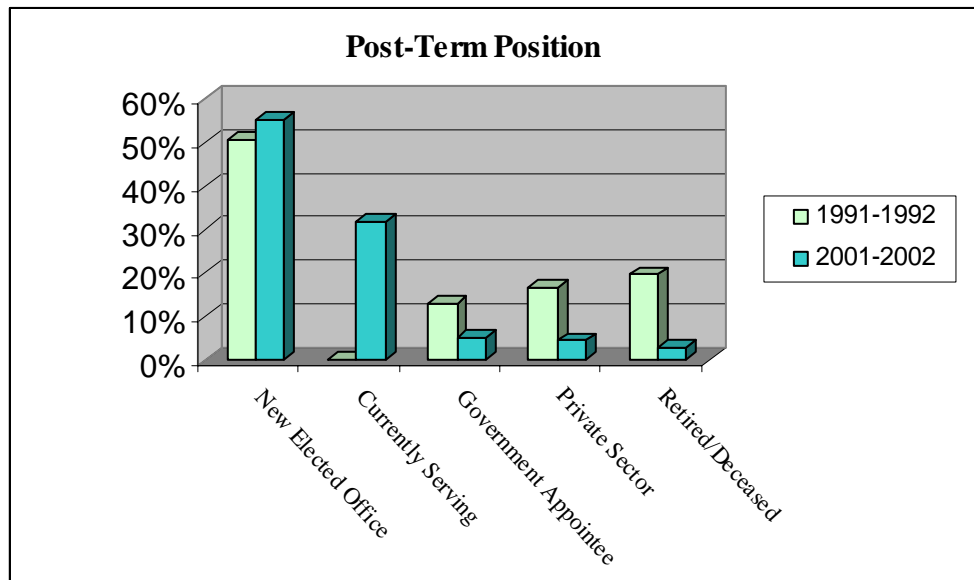
The results of my analysis were not supportive of the goals term limit advocates had hoped to achieve. First, when comparing whether elected members of the General Assembly had previous elected experience, the 1991-1992 class had a rate of 63.3% with experience. The 2001-2002 class had a rate of 75% having served previously. Thus, it

can be argued that term limits have not necessarily ushered in a new type of legislator. Granted, some of the original class of term limited officials simply retired, but this was not the case for most of these individuals. It is not my goal to advocate for the idea that legislative candidates should or should not have elected experience prior to their election to state government; such a debate is for the voters. My data, however, indicates that the candidates that have emerged since term limits have been implemented do not show signs of a new type of legislator emerging, despite the “citizen legislator” rhetoric. State representatives and senators appear to be as likely today to have served as trustees, commissioners, school board members, or political party executive committees in the post-term limit era as previously. Even those who were not previously elected were likely to have served in a wide variety of civil society roles, be it on a hospital board, youth volunteering, or the like. Such evidence points to the fact that seeking office is related to a desire to serve the community and is related to personality, having little or nothing to do with term limits or other governmental institutions. This was not what term limit proponents argued would indeed happen, and it indicates that public opinion support for term limits based on greater numbers of citizen legislators is based on rhetoric, not factual data.



The most revealing results of my analysis were yet to come. I compared where term limited legislators went after their term was up to those leaving previous to institution of term limits. The rhetoric of the term limit movement would make one believe that term limited legislators would return to the private sector or retire. This was indeed not the case. Those who left office after serving in the 1991-1992 class sought a higher office 50.75% of the time compared to 81.1% who have sought higher office after leaving from the 2001-2002 class of legislators. For this more recent class some members are still serving or have not yet been term limited, yet these results lead one to conclude that term limited officials are not returning to the private sector at a rate congruent with the ideals of those who advocated for the limits. While the idea of a political ladder to climb is not new, term limits have further reinforced the concept. Is it too much to assume that working under such constraints, limit-conscious leaders enact policy with limits in mind? While I can only speculate on this issue, I believe term limits are partially to blame for encouraging short sighted policy as legislators worry about moving to the next office. Legislators will not act for long term policies simply because they will not be around to

see these policies through. Again, this phenomenon is not entirely new, but its strength is only amplified by term limits.



Several patterns emerged as term limited legislators creatively avoided the implications of such confines. With Ohio’s term limits only being enforced based on consecutive term in one house, the idea of “jumping houses” has emerged as one way of circumnavigating such institutions. Legislative members such as Scott Oelslager, Lynn Wachtmann, and others have been elected to the house, the senate, and jumped back to the house to avoid term limit’s impacts upon their careers. Another tactic is to leave for a term, often by seeking a local government position prior to returning. Other methods I witnessed included the increase in the election of spouses and other family members after the term limiting of one relative. The names Beatty, Sykes, and others sound familiar in the legislative chambers for a reason.

Another noticeable change is in the number of term limited legislators who have emerged as part of the lobbying field. This has always been a trend, but with the increased turnover that is mandated through term limits, those leaving are even more

likely to stay in the policy making process. Such individuals are simply on the other side of the desk. When term limit sponsors backed these constraints, one cannot believe that lobbying was their desired intent for a return to the private sector. Although there is no way to possibly restrict such employment, such effects appear to be one of the unintended consequences of this new governmental system.

This section of original research helped me reach certain conclusions about the term limits movement. My conclusions regarding citizen legislators were consistent with those of the researchers I have analyzed. The final section of my thesis will offer my conclusions and a summary of findings.

### Summary and Conclusion

Term limits have had numerous effects on how state governments function. While mandated turnover has been achieved, some of the other results of this new institution have been unintended, other goals have not necessarily been achieved, and an argument can be made that some effects have been hurtful to the legislative process. As previously argued, more time will be necessary to properly evaluate the post term limit data as more elections occur and patterns can be documented. George Will wrote the following, “Term limits would increase the likelihood that people who come to Congress would anticipate returning to careers in the private sector and therefore would, as they legislate, think about what it is like to live under the laws they make,” (1992, at 201). Thad Kousser countered in his book, “Laws do not guarantee that politicians will again become ordinary citizens in the rotation of authority that Aristotle promoted . . . state political systems provide many opportunities to run for other offices,” (Kousser, 8). While George Will is a respected and well-written political pundit, Kousser’s argument is better

supported by the data. Thus far, the term limit proponents' arguments have consistently failed to make headway in assembling a scientifically proven case. Once one gets beyond the high public opinion support for term limits, little grounds can be made for the effectiveness of such policies. If one believes that a state legislature is better governed by members that will be put out of their offices within eight to twelve years to their taking office at a maximum, they have not truly analyzed the available research. While I have attempted to find solid supporting data to show that term limits have effectively improved legislative performance, such information does not seem to exist. The advocates for term limitation trumpet public support for their cause while hiding behind what can only be described as a lack of data supporting term limit effectiveness. While these groups effectively recognize that a problem of state legislators getting continuously elected and growing complacent, these limits have offered as many negative consequences as answers. A problem does indeed exist within state legislatures regarding a lack of trust and connection between legislators and their constituents. In my opinion, term limits are a poorly thought out instrument through which this problem will be only distorted, not fixed.

Term limits have not proven themselves to be the panacea that their advocates hoped when they began to be initiated in the early 1990s. These supporters have faced relatively little well organized opposition, and still term limits have been rejected via the courts in four states and the legislature in two (Bowser, 1). The data that has been collected thus far indicates that such term limitations have not lived up to the hopes of their supporters with numerous unintended consequences as effectively illustrated by the above-mentioned research. As ineffective as term limits have proven to be, they are still



looked upon favorably by the public as this issue has not merited much study by the average citizen. As has been previously stated, to effectively make the causal statement that term limits negatively impact state legislatures, more data from a greater timeframe will be necessary to successfully make this argument. Such research designs as those used by Carey and Moncrief leave few questions as to the validity or reliability of their large-scale projects. Without a doubt, term limits will continue to be a hotly contested area in American politics with a great deal of research left to be conducted.

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